



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,357	02/02/2004	Ranjit Jayabalan	IIT-201	7646
42419	7590	07/07/2005	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			NGUYEN, HOANG M	
		ART UNIT	PAPER NUMBER	
			3748	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tat

Office Action Summary	Application No.	Applicant(s)	
	10/770,357	JAYABALAN ET AL.	
	Examiner	Art Unit	
	Hoang M. Nguyen	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Applicant's amendment dated May 27, 2005 has fully considered by the Examiner.

Applicant has requested a telephone interview. The Examiner called the attorney of record on Tuesday, June 28, 2005, and left a message to schedule an interview. However, Applicant's representative did not return the Examiner's phone call. Because this application is under time constraint, the Examiner must send out this final rejection. Applicant's representative is invited to call the Examiner right after receiving this Office Action to discuss any subject matter if needed.

Applicant has argued that none of the applied references disclose 1) using an electric motor/generator to increase the acceleration rate of an operating combustion engine, and 2) the acceleration of the combustion engine is not equivalent with the acceleration of the vehicle. The Examiner strongly disagrees. Regarding item 1, all three applied references including Oba et al, Barrett and Yamaguchi are directed to hybrid vehicles wherein the basic concept is using the motor/generator as a supplemental power source for driving the vehicle. Said supplemental power would clearly and inherently increase the acceleration rate of the primary power source which is the internal combustion engine. Regarding item 2, the Examiner fails to understand basis of Applicant's argument because the combustion engine is part of a vehicle, the acceleration of the vehicle is equivalent with the combustion engine and all other elements of the vehicle. The Examiner reviewed page 16, lines 9-11 about the

definition of the acceleration demand as argued by Applicant. However, please note claim language must be interpreted as broad as possible, especially for the common terminologies for people with ordinary skill in the art. Therefore, if Applicant would like to define "acceleration demand" differently as described in the specification, please amend the independent claims to include the limitations of page 16, lines 9-11 as argued, then the Examiner will study and treat the claims based on the newly amended subject matter.

For the reasons set forth above, all rejections have been maintained and this Office Action has been made final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-12, 15-20, are rejected under 35 U.S.C. 102(b) as being anticipated by US 6176807 (Oba et al).

Oba et al discloses a method of operating an internal combustion engine 1 comprising a motor/generator 3, a transmission 13, a controller 17 for sensing acceleration demand signals from an electronic throttle 23, said controller controlling the motor/generator by determining when to provide more power to support the engine in response to said acceleration demand signals.

Claims 1, 4-12, 15-20, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5701062 (Barrett).

Barrett discloses a method of operating an internal combustion engine 1 comprising a motor/generator 42, a transmission, a controller 26 for sensing acceleration demand signals from an accelerator pedal 32, said controller controlling the motor/generator by determining when to provide more power to support the engine in response to said acceleration demand signals.

Claims 1, 4-12, 15-20, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5865263 (Yamaguchi et al).

Yamaguchi et al discloses a method of operating an internal combustion engine 1 comprising a motor/generator 3, a transmission, a controller 424 for sensing acceleration demand signals from an accelerator pedal 411, said controller controlling the motor/generator by determining when to provide more power to support the engine in response to said acceleration demand signals.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 8-9, 13-14, are rejected under 35 U.S.C. § 103(a) as being unpatentable over either one of the references applied above, Yamaguchi et al, Barrett, or Oba et al. Each reference above discloses all the claimed subject matter as set forth in the rejection of claim 1, but does not disclose the specific number of electric current, battery system. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to select the specific current or battery system in each of the references noted above for the purpose of achieving appropriate power output.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.



07/05/05

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
7/5/05